



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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N C R W Q C B

January 27, 2009

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Lauren Clyde
North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

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<input type="checkbox"/> Reg/NPS	<input type="checkbox"/> Cleanups	<input type="checkbox"/> Date

Re: Comments on the Draft Basin Plan Amendment and Action Plan for Low Threat Discharges

Dear Ms. Clyde:

The County of Sonoma (County) appreciates the opportunity to comment on the proposed Basin Plan Amendment and Action Plan for Low Threat Discharges (Low Threat BPA). The County supports the Low Threat BPA as it is needed to address conflicts between regional and statewide permits with Basin Plan prohibitions. We concur with the Staff Report which concludes that the proposed Low Threat BPA will provide a higher degree of water quality protection by acknowledging that these low threat discharges exist and by providing a regulatory program that allows the discharges to occur under prescribed conditions.

Sonoma County is a co-permittee of the Santa Rosa Area NPDES Municipal Storm water Permit. The Permit and Resource Management Department (PRMD) coordinates the County's storm water permit compliance program. Many of the activities addressed by the proposed Low Threat BPA occur in the County. These activities include construction de-watering, well testing, water distribution system maintenance, irrigation, residential swimming pool draining, and non-commercial car washing. However, the water quality protection measures prescribed for irrigation sites are above and beyond those currently implemented by the County.

We offer the following ten specific comments for your consideration:

1. The proposed Low Threat BPA appears to provide the necessary flexibility for permit writers to take into account project-specific factors such that only those controls necessary to protect water quality will be required. We request that the Regional Board indicate its concurrence with this interpretation.
2. Page 3 of the proposed revision to the Action Plan for Storm Water Discharges provides examples of incidental low-threat non-storm water discharge categories as including "incidental runoff of potable or recycled water from landscape irrigation due to an unexpected break in irrigation

line or sprinkler head". For clarity and consistency with the SWRCB's draft proposed Water Recycling Policy (line 296), the County requests that the description of the example be expanded to address irrigation overspray as follows:

"... incidental runoff of potable or recycled water from landscape irrigation due to an unexpected break in irrigation line or sprinkler head or temporary sprinkler head misalignment,"

3. Item 1 on page 4 states that incidental discharges of low threat non-storm water flows.... shall not be subject to the point source prohibitions provided that *"the incidental discharge event is not due to negligent maintenance or poor design of infrastructure, or failure to oversee the activity that resulted in incidental runoff."* The County requests that the Regional Board elaborate on the condition of overseeing an activity and what specific activities it would apply to. In other words, what would constitute a failure to oversee an activity that resulted in incidental runoff?

4. "[F]lows from emergency fire-fighting activities" are cited on page 3 of the Action Plan for Storm Water Discharges as an example of incidental low-threat non-storm water discharge category. 40 CFR Section 122.26 (b)(2) excludes discharges resulting from fire fighting activities from the category of illicit discharges that must be removed from the storm sewer system. Therefore, such flows would seem exempt from the Basin Plan prohibition and thus should not be addressed in the Action Plan for Storm Water Discharges. Likewise, mention of discharges resulting from fire fighting activities should be removed from the staff report.

5. Item 3 on page 3 states that *"the permittee shall implement a general management program to eliminate or minimize non-storm water discharges into surface waters. The program shall be submitted to the Regional Water Board for approval and include implementation of BMPs, outreach and education, inspections, monitoring, reporting and enforcement provisions."*

The County operates four small community water systems (Salmon Creek, Jenner, Freestone, and Fitch Mountain). The storm drains that exist within the boundaries of the service areas of these systems exist for the purposes of County road drainage and are typically stand alone. As such they do not comprise an interconnected system and would not ordinarily discharge water to a significant waterway. Typically they are short runs that move water from one overland flow area or minor drainage way to another. Due to the fact that there are no curb and gutters in these outlying locations or storm drains that discharge into surface waters, the County does not believe these storm drain systems contribute to low threat discharges and should not be subject to the general management program.

The County does not implement a treated effluent reclamation program similar to the City of Santa Rosa. There are no County owned or operated domestic waste treatment plants within the NPDES boundary that provide treated effluent for reclamation in urban or domestic settings. So, the county seeks concurrence from the Regional Board that it is the City of Santa Rosa that must submit a general management plan to eliminate or minimize non-storm water discharges and not the County of Sonoma.

However, the County recognizes it must make a contribution towards the reduction of incidental

runoff flowing into its storm drain system. This contribution is described in the new activities and Measurable Goals related to incidental runoff in the recent Storm Water Management Plan (SWMP) submitted to RB1 for review and approval. Pages II-57 and II-58 of that plan describe county task such as: 1) adopt any necessary changes to the County legal authority to allow effective regulation of the discharge of pollutants from landscape and lawn irrigation, 2) cooperate with various water suppliers that have direct control over termination of water delivery, 3) conduct dry season inspection of urban clusters on a monthly basis, 4) generate brochures, flyers, or door hangers for public outreach, 4) escalating enforcement could lead to a notice of violation, publication in a daily newspaper, and an abatement hearing, and 5) annually report the number of inspections conducted and the number and type of enforcement actions related to incidental runoff.

The County maintains that our SWMP contains the "general management program" required. If the Regional Board is expecting something else they need to more clearly define what they are looking for from the County.

Again, we ask the Regional Board to confirm the proposed Measurable Goals, with modification suggested by the Water Board and accepted by the County, take the place of submitting any general management plan related to the elimination or reduction of non-storm water discharges.

6. The Low Threat BPA further states *"incidental discharges of low threat non-storm water flows from permitted storm water conveyance systems shall not be subject to the Basin Plan's point source waste discharge prohibitions provided that the following additional comments are met... 3. The permit holder... has a management plan, approved by the Regional Water Board Executive Officer, that identifies best management practices designed to avoid, minimize, and where appropriate mitigate incidental runoff incidents. The management plan must include education/outreach, inspection, monitoring, and enforcement components."*

The County seeks confirmation that the proposed incidental runoff Measurable Goals (pgs. II-57 and II-58), with modification suggested by the Regional Board and accepted by the County, take the place of submitting any management plan related to the elimination or reduction of non-storm water discharges as all the components (education/outreach, inspection, monitoring, and enforcement) are found in those Measurable Goals of the County Storm Water Management Plan.

7. Uncertainty on NPDES permit boundary. The County Board of Supervisors asked the Regional Board in October 2008 to justify the expansion of the county NPDES boundary as found within the state draft NPDES permit. A County-wide NPDES permit would make difficult education/outreach, inspection, monitoring, and enforcement. In the County Storm Water Management Plan there is a commitment to conduct dry season inspection of urban clusters on a monthly basis. We seek confirmation that the priority commitment on reducing incidental runoff be in urban clusters regardless of the location of the permit boundary.

8. Phased approach to incidental runoff requirements.

As this is an emerging issue, the county has proposed a plan that includes a phased approach toward implementing a program to address incidental runoff. The program specifics are included

in the Storm Water Management Plan we submitted to the Regional Board in December of 2007. We encourage Regional Board staff to coordinate the compliance schedule for this BPA with our next permit term and allow a phased approach toward implementing. This would help the county with effective planning of resources and implementation of controls to meet the requirements.

9. Monitoring requirements unclear. The Low Threat BPA mentions a monitoring requirement but it is unclear what type of monitoring is expected and for what duration. Please elaborate on the monitoring requirements of the Low Threat BPA for the County.

10. The BPA appears to be requiring a separate reporting program for inspections of non-storm water issues that the county will already be reporting on in the annual report. The County asks that the reporting for this program be included in the Annual Report as opposed to a separate reporting document.

We appreciate the effort of Regional Water Board staff in bringing this important policy matter to the Board for consideration. Please contact us if you have any questions about our suggested changes or modifications, and thank you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'J. Gilligan', written in dark ink.

Janice Gilligan
Environmental Specialist
Engineering Division, PRMD